

### **§ 324. Care and treatment of eligible persons until transfer and release**

#### **(a) Place of hospitalization**

Until the transfer and release of an eligible person pursuant to section 323 of this title, the Secretary is authorized to provide care and treatment for such person at any Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 5 of title 41) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 322 of this title. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

#### **(b) Ineligible persons**

The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

(Pub. L. 86-571, § 4, July 5, 1960, 74 Stat. 309; Pub. L. 98-621, § 10(r), Nov. 8, 1984, 98 Stat. 3381.)

#### **AMENDMENTS**

1984—Subsec. (a). Pub. L. 98-621 substituted “any” for “Saint Elizabeth Hospital, at any other” after “for such person” in first sentence.

#### **EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-621 effective Oct. 1, 1987, see section 12(b) of Pub. L. 98-621 set out as an Effective Date note under section 225 of this title.

### **§ 325. Examination of persons admitted**

#### **(a) Time and frequency of examination; discharge**

Any person admitted to any hospital pursuant to section 322 or section 324 of this title shall, as soon as practicable, but in no event more than five days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every six months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

#### **(b) Notice to legal guardian, etc.**

Whenever any person is admitted to a hospital pursuant to this chapter, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

(Pub. L. 86-571, § 5, July 5, 1960, 74 Stat. 309.)

### **§ 326. Release of patient**

#### **(a) Request; determination of right to retain; retention after request**

If a person who is a patient hospitalized under section 322 or 324 of this title, or his legal guard-

ian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

#### **(b) Transfer to another hospital**

The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 324 of this title from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

(Pub. L. 86-571, § 6, July 5, 1960, 74 Stat. 309.)

### **§ 327. Notification to committing court of discharge or conditional release**

In the case of any person hospitalized under section 324 of this title who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release under section 323 of this title, notify the committing court of such discharge or conditional release or such transfer and release.

(Pub. L. 86-571, § 7, July 5, 1960, 74 Stat. 310.)

### **§ 328. Payment for care and treatment**

#### **(a) Persons liable; scope of liability; compromise or waiver; investigations; judicial proceedings**

Any person hospitalized under section 324 of this title or his estate, shall be liable to pay or contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 324 of this title to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall

be brought in the name of the United States in any court of competent jurisdiction.

**(b) “Costs or charges” defined**

As used in this section, the term “costs or charges” means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health and Human Services, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

(Pub. L. 86-571, § 8, July 5, 1960, 74 Stat. 310; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Department of Health and Human Services” substituted in text for “Department of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

**§ 329. Availability of appropriations for transportation**

Appropriations for carrying out this chapter shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 323 of this title), to the place where a relative to whom any person is released under section 323 of this title resides, or to a person’s home upon his discharge from hospitalization under this chapter.

(Pub. L. 86-571, § 9, July 5, 1960, 74 Stat. 310.)

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**§ 401. Definitions**

For purposes of this chapter:

- (1) The term “Retirement Home” includes the institutions established under section 411 of this title, as follows: